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DATE OF DEPOSIT: November 15, 2002

I hereby certify that this transmittal and the documents referred to as enclosed therein are being deposited with the U.S. Postal Service in an envelope as "Express Mail Post Office to Addressee," under 37 CFR 1.10 on the date indicated above and is addressed to: Commissioner for Patents, Washington, D.C. 20231, on the date below:

Dated: 11/15/02

Beverly A. Lee
Beverly A. Lee

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IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

In re Application of:
Mark Roland Boeder

Appl. No.: 09/957,489

Filed: September 19, 2001

For: CHRYSANTHEMUM PLANT NAMED
'TUTAN TIME'

Group Art Unit: 1661

Examiner: Kizilkaya, Michelle, R.

PTO Confirmation No.: 3143

Atty. Dkt. No.: 10451.0029.NPUS00

Second Supplemental Information Disclosure Statement

Commissioner for Patents
Washington, D.C. 20231

Sir:

Listed on accompanying PTO Form 1449 is a document that may be considered material to the examination of this application, in compliance with the duty of disclosure requirements of 37 C.F.R. §§ 1.56, 1.97 and 1.98. The numbering on this Second Supplemental Information Disclosure Statement and accompanying PTO Form 1449 is a continuation of the numbering in Applicant's First Supplemental Information Disclosure Statement and accompanying PTO Form 1449 filed October 11, 2002 in connection with above-captioned application. A copy of the document listed on the accompanying PTO Form 1449 is enclosed.

Applicant's First Supplemental Information Disclosure Statement filed October 11, 2002 included a citation from Publikatieblad, the Official Gazette of the Raad voor het

Kwekersrecht (The Netherlands Board for Plant Breeders' Rights), for Application No. CHR 3150 for Plant Breeders' Rights ("PBR") filed in the Netherlands for the variety that is the subject of this U.S. plant patent application. Application No. CHR 3150 was filed in the Netherlands under Breeder's Reference No. 20778-0 but without a common variety denomination.

As set forth in Applicant's First Supplemental Information Disclosure Statement and accompanying PTO Form 1449, a citation to Netherlands Application No. CHR 3150 was published in Publikatieblad on November 16, 1999 under the Breeder's Reference No. 20778-0 without a common variety denomination. The common variety denomination 'Tutan Time' was only recently proposed in Application No. CHR 3150 and hence not published until well after the filing date of this U.S. application. (Compare UPOV-ROM GTITM Database citation submitted with Applicant's First Supplemental Information Disclosure Statement filed October 11, 2002 (not showing a proposed common variety denomination) with the citation from the on-line Raad voor het Kwekersrecht Computer Database (updated September 17, 2002) also submitted with Applicant's First Supplemental Information Disclosure Statement (reflecting the "Tutan Time" common variety denomination).)

Enclosed here is a certified copy of the Netherlands Application No. CHR 3150, bearing the certification date of November 1, 2002. The application is partially in Dutch and a complete English translation is not available. Applicant's attorney understands that certified copies of the application became available to the public under Application No. CHR 3150 and Breeder's Reference No. 20778-0 at the time the citation to the application was published in Publikatieblad on November 16, 1999. It is Applicant's attorney's further understanding that certified copies of the application were not available under the common

variety denomination 'Tutan Time' until after the filing date of this U.S. application when the denomination was officially published in Publikatieblad.

Applicant reserves the right to establish the patentability of the claimed invention over any of the information provided here, and/or to prove that this information may not be prior art, and/or to prove that this information may not be enabling for the teachings purportedly offered.

This statement should not be construed as a representation that a search has been made, or that information more material to the examination of the present patent application does not exist. The Examiner is specifically requested not to rely solely on the material submitted herewith.

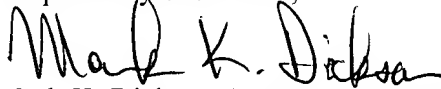
It is believed that this disclosure complies with the requirements of 37 C.F.R. §§ 1.56, 1.97, and 1.98, and the Manual of Patent Examining Procedures § 609. If for some reason the Examiner considers otherwise, or requires additional information, it is respectfully requested that the undersigned be called so that any deficiencies can be remedied.

It is respectfully requested that the Examiner initial and return a copy of the enclosed PTO Form 1449, and to indicate in the official file wrapper of this patent application that the documents have been considered.

The U.S. Patent and Trademark Office is hereby authorized to charge any fee deficiency, or credit any overpayment, to our Deposit Account No. 50-1263 referencing docket number 10451.0029.NPUS00.

Date: November 15, 2002

Respectfully submitted,


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